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Letter dated 24 August 2018 from the Secretary-General addressed to the President of the Security Council

Pursuant to the request of the Security Council in paragraph 61 of its resolution 2409 (2018), I have the honour to submit the 30-day update covering the period from 26 July to 24 August 2018 on political and technical progress towards the holding of elections in the Democratic Republic of the Congo on 23 December 2018 and obstacles to the implementation of the 31 December 2016 political agreement (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) António **Guterres**

18-14170 (E) 310818

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Annex

Update of the Secretary-General on progress in the electoral process and implementation of the 31 December 2016 political agreement in the Democratic Republic of the Congo, 24 August 2018

1. The present update, which covers developments in the Democratic Republic of the Congo from 26 July to 24 August 2018, is submitted pursuant to resolution 2409 (2018), in which the Security Council requested the Secretary-General to provide a written update every 30 days on political and technical progress towards the holding of elections in the Democratic Republic of the Congo on 23 December 2018 and on obstacles to the implementation of the 31 December 2016 political agreement.

I. Key political developments related to the electoral process and implementation of the political agreement

2. The Independent National Electoral Commission continued to take key steps towards the holding of the presidential and national and provincial legislative elections on 23 December. On 27 July, the Commission published the provisional list of candidates for the provincial elections, which comprises 19,788 candidates, of whom 88.2 per cent are men and 11.8 per cent are women. As at 9 August, 3,179 candidates, of whom 89.6 per cent are men and 10.4 per cent are women, had registered for the national legislative elections. On 24 August, the Commission published the provisional list of presidential candidates, declaring inadmissible 6 candidacies out of 25 for reasons such as conviction on corruption charges, dual citizenship, conflict of interest, procedural errors in the registration process and lack of proof of payment of registration fees. The leader of the Mouvement de libération du Congo opposition party, Jean-Pierre Bemba, was declared ineligible on the grounds that he had been sentenced, in March 2017, by the International Criminal Court to one year in prison and a fine of 300,000 euros for witness tampering. Former Prime Ministers Adolphe Muzito, Antoine Gizenga and Samy Badibanga were also declared ineligible on the grounds of conflict of interest, procedural error and dual citizenship, respectively. Opposition parties rejected the decision, arguing that it was politically motivated, and stated that they would appeal it before the Constitutional Court. The Minister of Communications and Government Spokesperson, Lambert Mende, rejected the opposition's allegations and noted that all political actors should submit to the legal requirements of eligibility. The Commission published, on the same date, the provisional list of 15,222 eligible candidates from a total of 15,505 candidates for the national legislative elections.

3. On 1 August, 25 governors and 1 acting governor signed the charter of the Front commun pour le Congo, a platform for which the President of the Democratic Republic of the Congo, Joseph Kabila, serves as the "moral authority". A wide array of political, civil society and religious leaders in the Democratic Republic of the Congo participated in the signing ceremony.

4. Also on 1 August, Jean-Pierre Bemba returned to the Democratic Republic of the Congo and was welcomed by thousands of supporters in Kinshasa. On 2 August, he submitted his candidacy for the presidential elections at the headquarters of the Independent National Electoral Commission in Kinshasa. At a press conference held on 3 August, Mr. Bemba called for inclusive, transparent and democratic elections. He also appealed to the authorities of the Democratic Republic of the Congo to find a solution that would allow the leader of the Ensemble pour le changement opposition

platform, Moïse Katumbi, to take part in the presidential elections. On 5 August, Mr. Bemba left the Democratic Republic of the Congo for Brussels after visiting his electoral stronghold of Gemena, in Sud-Ubangi. The national police provided security to Mr. Bemba and his family. No incidents occurred upon his return.

5. From 6 to 8 August, other opposition leaders registered as presidential candidates. Of note are: Félix Tshisekedi, the leader of the Union pour la démocratie et le progrès social; Freddy Matungulu of Congo Na Biso; Martin Fayulu of the Engagement pour la citoyenneté et le développement; Tryphon Kin-Kiey Mulumba, a former member of the Majorité présidentielle; and Vital Kamerhe, the leader of the Union pour la nation congolaise. Former Prime Ministers Adolphe Muzito of the Nouvel élan, Antoine Gizenga of the Parti lumumbiste unifié, allied with the Majorité présidentielle, and Samy Badibanga of the Progressistes also submitted their candidacies.

6. Moïse Katumbi was unsuccessful in his attempts to return to the Democratic Republic of the Congo through Lubumbashi, Haut-Katanga, on 3 and 4 August. Against the backdrop of media reports that the Government authorities had refused to grant landing rights to Mr. Katumbi's aeroplane at Lubumbashi airport, he was allegedly not permitted to cross into the Democratic Republic of the Congo from Zambia through the Kasumbalesa border post. The Government of the Democratic Republic of the Congo claimed that Mr. Katumbi had not presented himself at the border crossing and refuted claims that he had attempted to land in Lubumbashi. Demonstrations ensued in Kasumbalesa and Lubumbashi between 3 and 6 August, during which one woman, a 15-year-old boy and a 10-year-old boy were reportedly killed by bullets fired by national police elements, while three other persons were wounded by live ammunition. A total of 89 persons were arrested, of whom 55 persons, including 1 minor, were arrested during a police operation in Kasumbalesa on 5 August and 34 persons, including 2 minors, were arrested during demonstrations in Lubumbashi on 6 August. At the time of reporting, 21 of those persons had been released, including 3 minors who had been transferred to a juvenile court. The other 68 persons had appeared before the Tribunal de grande instance of Lubumbashi and were being held at the Kasapa prison on charges including destruction of property, robbery, contempt of authority and rebellion against the State.

7. On 6 August, the Conférence épiscopale nationale du Congo issued a communiqué in which it called upon the Government to allow Moïse Katumbi to return and submit his candidacy. On 10 August, the Secretary-General of the Ensemble pour le changement political platform, Delly Sesanga, announced that the platform had submitted requests to the Conseil d'Etat that Mr. Katumbi be allowed to enter and move around freely in the Democratic Republic of the Congo and that measures be taken to allow him to register as a presidential candidate.

8. On 8 August, the Front commun pour le Congo platform nominated the Permanent Secretary of the ruling Parti du peuple pour la reconstruction et la démocratie and former Vice Prime Minister and Minister of the Interior, Emmanuel Ramazani Shadary, as its presidential candidate. The designation of Mr. Ramazani Shadary was broadly welcomed across the political spectrum as a positive development that puts an end to speculation and uncertainty regarding the commitment of President Kabila to respect the Constitution. On 9 August, in a joint statement, Canada, Switzerland, the United States of America, the African Union, the European Union and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) welcomed the decision of the President to respect the Constitution, stating that this constituted a key milestone towards the first peaceful transfer of power in the country's history. On the same day, the Comité laïc de coordination issued a statement in which it announced that it had

cancelled the protest marches that it had planned for 12 to 14 August in the event that President Kabila decided to run again for office.

9. Several key political actors, including Adolphe Muzito, Félix Tshisekedi, Freddy Matungulu, Jean-Pierre Bemba and Vital Kamerhe advocated a single opposition presidential candidate. In that regard, on 9 August, in Kinshasa, Mr. Tshisekedi, the Secretary-General of the Mouvement de libération du Congo, Eve Bazaïba, and Mr. Kamerhe met to exchange views on the issue of a single opposition presidential candidate.

10. On 13 August, opposition leaders Félix Tshisekedi, Freddy Matungulu, Jean-Pierre Bemba, Martin Fayulu, Moïse Katumbi and Vital Kamerhe issued a joint communiqué in which they noted that the decision of President Kabila to abide by the Constitution should not detract the attention of the people of the Democratic Republic of the Congo and the international community from ensuring that the 23 December elections meet basic democratic norms. They condemned the actions by the Government to hinder the efforts of Mr. Katumbi to return to the country and register as a presidential candidate, called upon the Government to fully implement the confidence-building measures envisaged by the 31 December 2016 political agreement by releasing political prisoners and detainees, and urged the Independent National Electoral Commission to stop the use of the voting machines and remove some 10 million alleged fraudulent voters from the electoral register. They also stated that consultations had been held to agree upon a common political agenda and nominate a single opposition candidate.

11. On 14 August, the spokesperson of the Majorité présidentielle, André-Alain Atundu, held a press conference during which he lauded the designation of Emmanuel Ramazani Shadary as the presidential candidate of the Front commun pour le Congo, indicating that this signalled the beginning of a long and necessary march towards the democratic conquest of power in conformity with the strategic plan of the moral authority of the Front commun. In the same vein, on 16 August, the Strategic Committee of the Front commun held a press conference during which the Chief of Staff of President Kabila, Néhémie Mwilanya, reiterated the Government's decision to assume responsibility for the logistics and materials required for organizing the forthcoming elections. Highlighting the principle of respect for national sovereignty, he noted that the Democratic Republic of the Congo expected only political and diplomatic support from the international community. At the same event, the Minister of Justice, Alexis Thambwe Mwamba, stated that Moïse Katumbi was a "fugitive and must be arrested" and that an international arrest warrant had been issued to that effect. He observed that, contrary to media reports, Mr. Katumbi had never attempted to present himself to national security forces at the Kasumbalesa border post, who stood ready to carry out his arrest. On 2 August, the counsel for the prosecution, Joseph Nsabua, had issued a communiqué in which he stated that Mr. Katumbi would be put under immediate arrest upon his return to the Democratic Republic of the Congo as he had failed, when his temporary authorization to seek medical treatment abroad had expired, to appear before a magistrates' court to face charges of attempts against the security of the State.

12. At the regional level, on 30 July, the Heads of State and Government of the Economic Community of West African States and the Economic Community of Central African States held a joint summit on peace, security, stability and the fight against terrorism and violent extremism in Lomé. In a communiqué, they called upon stakeholders in the Democratic Republic of the Congo to respect the 31 December 2016 political agreement as it remains the only viable path to credible elections in the country. They also lauded the efforts of the Government to implement the electoral process in accordance with the timetable laid out by the Independent National Electoral Commission.

13. On 6 August, the African Union Commission Chairperson, Moussa Faki Mahamat, stressed the need for all stakeholders to ensure the holding of peaceful, transparent and inclusive elections, as well as the implementation of appropriate confidence-building measures to create an environment conducive to a level playing field. On the same date, the European Union issued a declaration in which it echoed the communiqué of the African Union on the electoral process, recalling the importance of commitments undertaken by all parties to respect the 31 December 2016 political agreement, including the implementation of confidence-building measures.

14. On 14 August, the President of Angola, João Manuel Gonçalves Lourenço, in his capacity as Chair of the Organ on Politics, Defence and Security Cooperation of the Southern African Development Community (SADC), convened a summit in Luanda to review the political and security situation in the Central African, Great Lakes and Southern African regions. In the final communiqué of the summit, the Heads of State commended President Kabila for abiding by his commitment to fully respect the Constitution, thereby clearly demonstrating his determination to place the interests of the people of the Democratic Republic of the Congo above any other considerations. They also expressed their readiness to support the Democratic Republic of the Congo at a critical moment in the consolidation of its democratic process.

15. On 17 and 18 August, President Kabila took part in the thirty-ninth summit of SADC in Windhoek. In the final communiqué of the summit, SADC commended the President and the Government of the Democratic Republic of the Congo for upholding the Constitution and took note of the decision of the Government to provide the funding and logistics necessary for the holding of peaceful and credible elections.

16. With respect to relations between the Democratic Republic of the Congo and regional actors, on 29 July, in Kigali, the Vice Prime Minister and Minister for Foreign Affairs of the Democratic Republic of the Congo, Léonard She Okitundu, delivered to the President of Rwanda, Paul Kagame, a message from President Kabila relating to political and security issues. On 2 August, in Luanda, President Kabila met President Lourenço to discuss bilateral cooperation between Angola and the Democratic Republic of the Congo and the situation in Central Africa and the Great Lakes region. In the communiqué issued at the end of the meeting, the Presidents reiterated, inter alia, their commitment to the principles of non-interference in the domestic affairs of States and respect for national sovereignty and welcomed the progress made in preparations for the holding of elections on 23 December. On 10 August, the President of South Africa, Matamela Cyril Ramaphosa, arrived in Kinshasa, where he met President Kabila to discuss the political, electoral and security situation in the Democratic Republic of the Congo, issues of common interest in the region and bilateral cooperation between the two countries. In the communiqué issued after the meeting, the noteworthy progress made by the national authorities in preparations for the 23 December elections and the funding of the electoral process by the Government were highlighted, among other things.

II. Key electoral developments related to the implementation of the political agreement

A. Electoral developments

17. On 28 July, MONUSCO, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Projet d'appui au cycle électoral au Congo, managed by the United Nations Development Programme, organized a

two-day training workshop in Lubumbashi for female candidates, who were introduced to election-specific mechanisms such as electoral observation. On 31 July, MONUSCO organized an awareness-raising session on elections with the participation of 50 persons (32 men and 18 women), including students and members of civil society organizations.

18. On 8 August, in accordance with the electoral calendar, the Independent National Electoral Commission officially closed the 172 candidate registration offices processing presidential and national legislative candidacies. However, processing continued until 13 August for additions, modifications or withdrawals relative to candidates and the documentation submitted by them. Candidates in possession of completed files when the registration offices closed on 8 August were accorded 48 hours to finalize the registration process.

19. Since the original request was received from the Independent National Electoral Commission for MONUSCO to provide logistical support, on the basis of which the Mission submitted its proposed plan on 30 November 2017, recent public statements by officials of the Government and the Commission have indicated that the Commission intends to hold the elections without support from external partners. The efforts of MONUSCO have been geared primarily towards establishing a capacity that could be used if required. To ensure its readiness, the Mission had contracted 24 air assets to provide support to the first phase of the electoral process. In the meantime, MONUSCO intends to utilize these assets to support its internal operations as well as the Ministry of Health, the World Health Organization and other partners in the response against the Ebola outbreak in the Beni area, in North Kivu.

20. On 14 August, at a press conference in Kinshasa, the President of the Independent National Electoral Commission, Corneille Nangaa, stated that the Commission was acquiring 7 helicopters, 7 aeroplanes, 130 trucks and 191 pickup vehicles for electoral logistics. He noted that every effort would be made to ensure that elections take place on 23 December.

B. Restrictions on political space and violence related to the implementation of the political agreement in the electoral context

21. On 26 July, in Kinshasa, the leader of the Mouvement lumumbiste progressiste party, Franck Diongo, who is currently detained at the Makala prison, was denied permission to go to the registration office of the Independent National Electoral Commission to submit his candidacy for the national legislative elections. The Attorney General stated that he was not responsible for managing Mr. Diongo's detention and was therefore not able to order the prison authorities to escort him to the Commission. It should be recalled that, in a letter to the Commission dated 31 October 2017, the Minister of Justice had stated that the offence for which Mr. Diongo had been sentenced did not entail the deprivation of his political rights. However, no appropriate action was taken to uphold his rights.

22. On 30 July, in Kinshasa, 40 people, including 5 women, were arrested by the national police during a peaceful march organized by the Engagement citoyen pour le changement citizens' movement to submit to the office of the Personal Representative of the President on Sexual Violence and Child Recruitment a letter denouncing sexual violence against minors in several provinces. They were all released the following day.

C. Confidence-building measures

23. On 27 July, in a meeting with the Director of the United Nations Joint Human Rights Office, the Minister of Justice reiterated that he was not willing to act on cases of political prisoners sentenced for civil offences, such as Jean-Claude Muyambo (sentenced for real estate fraud), Eugène Diomi Ndongala (sentenced for rape) and Franck Diongo (sentenced for sequestration), although two of them (Muyambo and Diomi Ndongala) are expressly mentioned in the 31 December 2016 political agreement. Nevertheless, the Minister agreed to find solutions in terms of conditional release or presidential pardon for emblematic cases, including the cases of Gérard Mulumba, whose health is reportedly deteriorating, as well as Firmin Yangambi and Eric Kikunda, who have already spent nine years in prison and have not benefited from the presidential pardon of 2014.

III. Good offices efforts for the implementation of the political agreement

24. As part of her efforts to foster a credible and inclusive electoral process, my Special Representative for the Democratic Republic of the Congo met the Vice Prime Minister and Minister for Foreign Affairs on 3 and 15 August and raised, inter alia, the cases of Jean-Pierre Bemba and Moïse Katumbi. She also met the Secretary-General of the Mouvement de libération du Congo, the Secretary-General of the Ensemble pour le changement and the team of lawyers representing Mr. Katumbi on 2 August, as well as Vital Kamerhe on 14 August to discuss the electoral process.

IV. Observations

25. I welcome the encouraging developments in the ongoing political and electoral process in the Democratic Republic of the Congo. The political developments witnessed over the past weeks show the determination of actors across the political divide to ensure that democratic practices are consolidated in the country. I especially wish to recognize the continued public commitment of President Kabila to the organization of the elections at the end of 2018 in conformity with the Constitution, which will lead to the first democratic transfer of power in the country. The steady progress made by the Independent National Electoral Commission in meeting the critical deadlines in the electoral calendar is another encouraging step in the right direction. I also take note of the Commission's efforts to remain in continued dialogue with political actors on the various contentious issues in the electoral process.

26. I call upon the Government, opposition parties and civil society to use this momentum to ensure that the 23 December elections are held in a peaceful and transparent environment. It is of paramount importance that all stakeholders in the Democratic Republic of the Congo adopt a constructive approach in pursuit of solutions to outstanding contentious electoral matters, including the use of voting machines and the voter register. The Constitution and the 31 December 2016 political agreement remain the main frameworks for finding peaceful, democratic and durable solutions to the challenges facing the electoral process.

27. With respect to the support of MONUSCO to the electoral process, it would be important that the Independent National Electoral Commission provide the necessary details that would enable timely and effective assistance from the Mission. I wish to note that the United Nations, while respecting the decision of the Government to fully fund the electoral process, stands ready to provide the logistical and technical assistance that MONUSCO has been mandated to carry out. Moreover, I call upon the

Government to continue to provide to the Commission regular and adequate disbursements of funds to enable smooth and timely preparations for the elections.

28. I am also encouraged by the active involvement of regional actors in supporting the political and electoral process. The role of regional actors in consolidating the progress made in stabilizing the Democratic Republic of the Congo over the past decade cannot be overemphasized. I appeal to regional actors, working in collaboration with international partners, to continue to pursue initiatives aimed at creating the conditions for peaceful, credible and transparent elections and to remain engaged in the post-electoral period. Furthermore, I note the continued diplomatic efforts of the Government of the Democratic Republic of the Congo to strengthen bilateral cooperation with key regional actors. My Special Representative for the Democratic Republic of the Congo and my Special Envoy for the Great Lakes Region will continue to provide their good offices and support to national, regional and international initiatives aimed at promoting peaceful solutions to the challenges facing the political and electoral process.

29. I remain, however, concerned by continued reports of repression and intimidation of political activists and human rights defenders and other restrictions on the political space. I call upon the national authorities to lift the general ban on public demonstrations and uphold the rights of citizens to freedom of expression and peaceful assembly. Equally important is the need for progress on implementing the confidence-building measures set out in the 31 December 2016 political agreement. I urge the Government to explore various avenues that would lead to the effective and swift implementation of the confidence-building measures. Strong political gestures could be envisaged, in lieu of legalistic approaches, in the interests of dialogue and peace. The release of all political prisoners and prisoners of opinion would be a positive development in this regard. Upholding the fundamental rights and freedoms of all citizens and implementing fully and swiftly the confidence-building measures will help to defuse political tensions and create a level playing field in the lead-up to the elections.